UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA TERRE HAUTE DIVISION

| TERRESTATION COURT |
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| HU6 23 PH . |
| LAURA A BRIGGS |

| KAY GOOD | , |) | | |
|-----------|------------------------------|---|------|--------------------|
| KEVIN GOO | DMAN, |) | | |
| | PLAINTIFFS, |) | 2 | 10-cv-0217 WTL-WGH |
| vs. | |) | | |
| | |) | Caus | e Number: |
| RIEXINGER | & ASSOCIATES, LLC DEFENDANT. |) | | |

COMPLAINT AND DEMAND FOR JURY TRIAL - INDIVIDUAL

Plaintiff, Kay Goodman ("Ms. Goodman") and Kevin Goodman ("Mr. Goodman") on behalf of themselves, by counsel, Michael P. McIlree, for their Complaint against the Defendant, Riexinger & Associates LLC alleges and states as follows:

INTRODUCTION

1. This is an action for damages brought by the Plaintiffs, for the Defendant's violations of the Federal FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692, et seq. (hereinafter referred to as "FDCPA") which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION

2. This Court has jurisdiction over the claims in this matter pursuant to 15 U.S.C. § 1692.

PARTIES

3. Ms. Goodman is an individual consumer currently residing in Owen County, Indiana.

- 4. Mr. Goodman is an individual consumer currently residing in Lawrence County, Indiana.
- 5. Riexinger & Associates LLC is a law firm incorporated in the State of Georgia who collects debts nationwide including the State of Indiana. Riexinger & Associates has a principal office located at 3100 Breckinridge Dr., Suite 722, Duluth.
- <u>6.</u> Defendant regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.
- 7. Riexinger & Associates LLCis a debt collector as defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

- 8. During the approximate time period of April, 2010 through July 24, 2010, Defendant by an agent has made numerous phone calls to Plaintiff, Kay Goodman, mother of Plaintiff, Kevin Goodman, regarding an alleged consumer debt due and owing another.
- 9. During this time period, Plaintiff, Kevin Goodman, received numerous phone calls from Defendant and has continued to received phone calls from Defendant regarding the alleged debt.
- 10. Defendant through its' agents have been told to cease calling Plaintiff, Ms. Goodman.
- 11. In fact, Defendant possesses Plaintiff, Mr. Goodman's telephone number, and have called Mr. Goodman regarding the alleged debt.
- 12. In fact, Plaintiff, Ms. Goodman has told them to take her out of Defendant's phone system.

- 13. Defendant has refused and continues to call, and stated during communication with Ms. Goodman, "Whenever he answers his phone they would stop calling."
- 14. Despite having Plaintiff's contact information, Defendant chose this path of conduct in violation of the Fair Debt Collection Practices Act.

VIOLATIONS OF THE FDCPA BY DEFENDANT

- 15. Defendant has violated 15 U.S.C. §1692b.
- 16. Defendant has violated 15 U.S.C. §1692c.
- 17. Defendant has violated 15 U.S.C. §1692d.
- 18. Defendant has violated 15 U.S.C. §1692e.
- 19. Defendant has violated 15 U.S.C. §1692f.

WHEREFORE, plaintiffs request that the Court enter judgment in their favor against the Defendant for:

- 1. The maximum amount of statutory and actual damages provided under the FDCPA.
- 2. Attorney's fees, litigation expenses and costs.
- 3. Such other and further relief as is appropriate.

Respectfully submitted

Michael P. McIlree

Plaintiffs demand trial by jur

Michael P. McIlree, #19847-45 Attorney at Law 821 E. Lincolnway, Ste. 1 Valparaiso, IN 46383 Tel: (219) 548-1800

Fax: (219) 548-5905 Attorney for Plaintiffs

VERIFICATION

I declare that the above referenced statements are true and accurate to the best of my knowledge and belief.

AY GOODMAN, Plaintiff

VERIFICATION

I declare that the above referenced statements are true and accurate to the best of my knowledge and belief.

KEVIN GOODMAN, Plaintiff